



W.P.No.10618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Govindharaj

.. Petitioner

Vs

- 1.The Secretary to the Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.
- 2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
Egmore, Chennai – 600 008.
- 3.The Director,
Tamil Nadu Municipal Administration,
Mandaiveli,
Chennai-600 028.
- 4.The Commissioner,
Kundrathur Municipality,
Kancheepuram District-600 069.



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5.The Executive Officer,
Kundrathur TP,
No.1, Lalchatram Street,
Kundrathur – 600 069.

6.C.Babulal
7.C.Bolaram
8.J.Thagalram
9.J.Om Prakash

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate action on the unauthorised construction of the subject building of respondents 6 to 9 based on the representation of the petitioner dated 04.01.2023.

For the Petitioner : Mr.S.Karthik

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1, 3 to 5

: Mr.R.Sivakumar
Standing Counsel
for respondent No.2

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

K.Govindharaj, son of Late Gopal, a resident of No.22/43, 15th



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Street, Ashok Nagar, Chennai, has filed this writ petition seeking issuance of a writ of mandamus directing respondents 1 to 5 to take appropriate action on the unauthorised construction of the subject building of respondents 6 to 9 based on the representation of the petitioner dated 04.01.2023.

2. At the outset, Mr.P.Muthukumar, learned State Government Pleader appearing on behalf of respondents 1 and 3 to 5, submitted that this type of public interest litigation should not be entertained, inasmuch as the petitioner is a resident of Ashok Nagar, whereas the subject property is located in Kundrathur, which is admittedly 16 km away. He further submitted that, even as per the affidavit filed in support of this writ petition, the fourth respondent had already issued notice on 31.1.2023 to respondents 6 to 9 under Section 205(1)(2) of the Tamil Nadu Municipalities Act to reconstruct the building as per the approved plan and, therefore, when the competent authority is seized of the matter, the filing of the present writ petition is unwarranted.



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3. We find merit in the submission made by learned State Government Pleader. Admittedly, the petitioner is a resident of Ashok Nagar, which is situate 16 km away from Kundrathur, where the subject property is situated. When the petitioner is not a resident of Kundrathur locality and is nowhere connected with the area in question, this court is unable to discern the special interest of the petitioner in this particular construction.

4. Apart from the above, we find that the petitioner in paragraph (3) of the affidavit filed in support of the writ petition claims that the building constructed by respondents 6 to 9 is without proper approval from the competent authority, whereas in paragraph (7) a diametrically opposite stand is taken to the effect that the building was constructed after obtaining planning permission vide P.P.No.65/2015, dated 15.5.2015. Therefore, the allegation made by the petitioner that the building was constructed without planning permission is unfounded.

5. Moreover, as rightly pointed out by learned State



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Government Pleader, the fourth respondent has sent a notice on 31.1.2023 under Section 205(1)(2) of the Tamil Nadu Municipalities Act. The petitioner has stated the said fact in paragraph (7) of the affidavit filed in support of the writ petition. Therefore, it is explicitly clear that the respondent authorities are seized of the matter and they are proceeding in accordance with law. We, therefore, do not find any justification to entertain the writ petition.

For the foregoing reasons, the writ petition is dismissed.
There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
06.04.2023

Index : No
Neutral Citation : No
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